

42

Entered - 10-13-99 SB  
CL 99L0677 -MICHAEL A. REEVES  
**00- R -0164**

CLAIM OF: **TAMIKA RAPER**

through her attorney

**ROGER F. HUFF**

3060 Mercer University Drive

Suite 300

Atlanta, Georgia 30341

For damages alleged to have been sustained as a result of an apartment fire on April 18, 1999, at 2381 Leila Lane.

THIS ADVERSED REPORT IS

APPROVED:

*Rosalind A. Rubens Newell*  
**ROSALIND A. RUBENS NEWELL**  
DEPUTY CITY ATTORNEY

**DIVERSE REPORT**  
*Public Safety*

*11/15/2000*  
*Stacy Newell*

*Stacy Newell*  
*Stacy Newell*

*Stacy Newell*  
*Stacy Newell*

ADVERSED BY  
CITY COUNCIL FEB 21 2000

**CERTIFIED**  
FEB 21 2000  
*John M. Starnes*  
COUNCIL PRESIDENT PROTEM

**CERTIFIED**  
FEB 21 2000  
*Rosalind A. Rubens*  
MUNICIPAL CLERK



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

February 28, 2000

Roger F. Huff  
Attorney at Law  
3060 Mercer University Dr.  
Suite 300  
Atlanta, GA 30341

00-R-0164

RE: Tamika Raper

Dear Attorney Huff:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on February 21, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0677

Date: January 25, 2000

Claimant /Victim **TAMIKA RAPER**

BY: (Atty.) (Ins. Co.) Roger F. Huff

Address 3060 Mercer University Drive, Suite 300, Atlanta, Georgia 30341

Subrogation \_\_\_\_\_ Claim for Property damage \$ 1,000,000.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice 10/13/99 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 04/18/99 Place 2381 Leila Lane

Department Fire Bureau \_\_\_\_\_ Division \_\_\_\_\_

Employee involved \_\_\_\_\_ Dept.Action \_\_\_\_\_

NATURE OF CLAIM: The claimant alleged that the City of Atlanta Fire Department was negligent in their failure to inspect and maintain fire hydrants near her property and that her property was damaged due to a fire. The investigation determined that the Fire Department had prior to the fire inspected City's fire hydrants in close proximity to subject address. Some hydrants were found to be not functioning due to mechanical problems and vandalism. Some of the hydrants were found to be working properly. The City is immune from liability as set forth in O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures \_\_\_\_\_ Diagrams X Reports: Police \_\_\_\_\_ Dept.Report X Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - MICHAEL A. REEVES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager  Concur/date 020300

Committee Action \_\_\_\_\_ Council Action \_\_\_\_\_

**LAW OFFICE  
ROGER F. HUFF  
3060 MERCER UNIVERSITY DRIVE  
SUITE 300  
ATLANTA, GEORGIA 30341**

ENTERED - 10-21-99 - SB  
99L0677 - MIKE REEVES

October 5, 1999

*Reeves*  
*10/13/99*  
*DR*

Telephone  
(770) 455-4361  
Facsimile  
(770) 455-4363

**SENT BY FEDERAL EXPRESS AND REGULAR MAIL**

Honorable William Campbell  
Mayor, City of Atlanta, Georgia  
Atlanta City Hall  
Suite 2400  
55 Trinity Avenue, S.W.  
Atlanta, GA 30335

Honorable Avel Thomas, Chairperson and  
Honorable Members of the City of Atlanta  
Georgia, City Council  
c/o Honorable Ronda Dauphn Johnson  
Municipal Clerk, City of Atlanta  
Atlanta City Hall  
Suite 2900  
55 Trinity Avenue, S.W.  
Atlanta, GA 30335

Susan Pease Langford, Esq.  
Attorney for City of Atlanta, Georgia  
Atlanta City Hall Tower  
68 Mitchell Street, S.W.  
Suite 4100  
Atlanta, GA 30335

Honorable Members of the City of Atlanta  
Housing Authority  
739 W. Peachtree Road, N.E.  
Atlanta, GA 30365

Bernard Thomas, Esq.  
Attorney for City of Atlanta  
Housing Authority  
68 Mitchell Street, S.W.  
Suite 4100  
Atlanta, GA 30335

RE: Property Damage, Personal Injury and other Damages sustained by  
Tamika Raper

Date of Injuries/Damages: April 18, 1999

Location: Leila Valley Apartments, 2381 Leila Lane, Apartment  
#91, Atlanta, Georgia

Dear Madam/Sir:

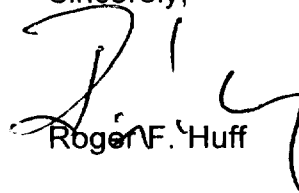
I represent Tamika Raper with respect to claims arising from a fire which occurred on the above-referenced date and the above-referenced location in Atlanta, Georgia. My client sustained property damages and/or personal injuries as a proximate result of the fire at said location. Enclosed is a copy of the City of Atlanta Fire Department's report concerning that incident for your reference.

Please accept this letter, pursuant to provisions of O.C.G.A. §36-33-5, as written notice to the City and the City of Atlanta Housing Authority of potential claims for property damage, personal injuries, punitive damages and related claims as a result of this incident.

While we are still investigating this incident, there are potential claims concerning the negligent failure to inspect and maintain the fire hydrants servicing (or which were intended to service) this location; negligent inspection, maintenance and provision of sufficient water pressure to the fire hydrants servicing (or intended to service) this location; negligent inspection and maintenance of electrical outlets and fire detectors at these apartments, negligent hiring, retention and supervision of the management services provider at said location at said time. This letter is simply to provide written notice to you pursuant to the provisions of O.C.G.A. §36-33-5 of our assertion of potential claims against the City, the Housing Authority and their insurance carriers, if such insurance exists, for the previously referenced claims all of which did or may have proximately caused or contributed to the damages sustained by my client. In the event a claim is sued, it is anticipated that damages in excess of \$1,000,000.00 will be sought. Please provide to me the identity of each known insurer which may provide coverage to the City and the Housing Authority as a result of this incident.

Thank you for your kind attention.

Sincerely,

  
Roger F. Huff

RFH:dal  
Enclosure

00- *R* -0164

RCS# 1771  
2/21/00  
2:37 PM

Atlanta City Council

Regular Session

\*\*\*\*\*

CONSENT AGENDA PAGES (1 - 9)

ADOPT

YEAS:	15	SEE ATTACHED LISTING OF ITEMS ADOPTED/ADVERSED ON CONSENT AGENDA
NAYS:	0	
ABSTENTIONS:	0	
NOT VOTING:	1	
EXCUSED:	0	
ABSENT	0	

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEMS REMOVED FROM  
CONSENT AGENDA  
00-O-0122  
00-O-0123  
00-R-0202  
00-R-0020

00-O-0212 - Councilmember  
Boazman Abstained

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**ITEMS ADOPTED ON  
CONSENT AGENDA**

1. 99-O-2072
2. 99-O-2073
3. 00-O-0127
4. 00-O-0124
5. 00-O-0126
6. 00-O-0066
7. 00-O-0125
8. 00-O-0211
9. 00-O-0212 \*
10. 00-O-0213
11. 00-O-0207
12. 00-R-0220
13. 00-R-0196
14. 00-R-0209
15. 00-R-0180
16. 00-R-0176
17. 00-R-0174
18. 00-R-0145
19. 00-R-0146
20. 00-R-0147
21. 00-R-0148
22. 00-R-0149
23. 00-R-0150
24. 00-R-0151
25. 00-R-0152
26. 00-R-0153
27. 00-R-0154
28. 00-R-0155
29. 00-R-0156
30. 00-R-0157
31. 00-R-0158
32. 00-R-0159
33. 00-R-0160

**02/21/00 Council Meeting  
ITEMS ADVERSED ON  
CONSENT AGENDA**

34. 00-R-0161
35. 00-R-0162
36. 00-R-0163
37. 00-R-0164
38. 00-R-0165
39. 00-R-0166
40. 00-R-0167
41. 00-R-0168
42. 00-R-0169
43. 00-R-0170
44. 00-R-0171
45. 00-R-0172
46. 00-R-0173
47. 00-R-0175

\* Councilmember Boazman  
abstained from voting on item 00-  
O-0212.